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SUPERIOR COURT
BARNSTABLE, SS
Filed JAN 25 2019
Clerk

COMMONWEALTH OF MASSACHUSETTS

BARNSTABLE, ss

BARNSTABLE SUPERIOR COURT
DOCKET NO: 1872

COMMONWEALTH	)	
	)	**MOTION FOR A RULE 17 SUMMONS**
v.	)	**DIRECTED TO THE YARMOUTH POLICE**
	)	**DEPARTMENT**
THOMAS LATANOWICH	)	

Pursuant to Mass. R. Crim. P. 17(a)(2), the Defendant, Thomas Latanowich ("Latanowich"), moves the Court to issue a summons directing the Keeper of Records of the Yarmouth Police Department, 340 Higgins Crowell Rd., W. Yarmouth, MA 02673 to deliver the following records, documents, and/or tangible things to the Criminal Clerk's Office, Barnstable Superior Court, 3195 Main Street St., Route 6A, Barnstable, MA 02630:

1. Copies of any and all files, listings, ledgers, records, timesheets, timecards, or documents (written or electronic) identifying by name, rank, and division all members of the Yarmouth Police Department on duty on April 13, 2018 between the hours of 8:00 a.m. and 5:00 p.m.

2. Copies of any and all files, listings, ledgers, records, timesheets, timecards, or documents (written or electronic) identifying by name, rank, and division all members of the Yarmouth Police Department who attended the Defendant's arraignment in Barnstable District Court on April 13, 2018.

3. Copies of any and all records, inter-office memoranda, emails, notices, or documents (written or electronic) pertaining to or concerning the Defendant's arraignment in the Barnstable

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District Court on April 13, 2018.

4. Copies of any and all records, inter-office memoranda, emails, notices, or documents (written or electronic) directing, encouraging, or soliciting members of the Yarmouth Police Department to attend the Defendant's arraignment in the Barnstable District Court on April 13, 2018.

5. Copies of any and all files, listings, ledgers, records, timesheets, timecards, or documents (written or electronic) identifying by name, rank, and division all members of the Yarmouth Police Department on duty on August 31, 2018, between the hours of 8:00 a.m. and 5:00 p.m.

6. Copies of any and all files, listings, ledgers, records, timesheets, timecards, or documents (written or electronic) identifying by name, rank, and division all members of the Yarmouth Police Department who attended the Defendant's arraignment in Barnstable Superior Court on August 31, 2018.

7. Copies of any and all records, inter-office memoranda, emails, notices, or documents (written or electronic) pertaining to or concerning the Defendant's arraignment in the Barnstable Superior Court on August 31, 2018.

8. Copies of any and all records, inter-office memoranda, emails, notices, or documents (written or electronic) directing, encouraging, or soliciting members of the Yarmouth Police Department to attend the Defendant's arraignment in the Barnstable Superior Court on August 31, 2018.

9. Copies of any and all statements, written comments, memoranda, press releases, media releases, or documents (written or electronic) issued by any agent, servant, or employee of the Yarmouth Police Department regarding the Defendant, Thomas Latanowich; the decedent, Officer Sean Gannon; or the incident of April 12, 2018.

10. Copies of any and all standards, policies, procedures, standard operating procedures, guidelines, or rules of the Yarmouth Police Department regarding the execution of search warrants, the execution of arrest warrants, the apprehension of fugitives, the arrest of suspects, and/or the use/deployment of canines.

As reasons therefor, pursuant to Mass. R. Crim. P. 17, the records are 1.) relevant, material, and potentially exculpatory; 2.) the records cannot be obtained without a court order; 3.) inspection of the records prior to trial will be a "real benefit to the defense" and are necessary for pretrial preparation; and 4.) the materials are sought in "good faith." See Commonwealth v. Lampron, 441 Mass. 265, 269 (2004).

The Defendant herein incorporates by reference the attached affidavit of Counsel.

By his Attorney,

JOSEPH F. KROWSKI JR., ESQUIRE
30 Cottage Street
Brockton, MA 02301
(508) 584-2555
BBO: 640902

Dated: January 4, 2019

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COMMONWEALTH OF MASSACHUSETTS

BARNSTABLE, ss

BARNSTABLE SUPERIOR COURT
DOCKET NO: 1872CR00084

COMMONWEALTH	)
	)
v.	)
	)
THOMAS LATANOWICH	)
	)

ORDER

It is an ORDER of this Court that the Keeper of Records of the Yarmouth Police Department, 340 Higgins Crowell Rd., W. Yarmouth, MA 02673 shall deliver the following records, documents, and/or tangible things to the Criminal Clerk's Office, Barnstable Superior Court, 3195 Main Street St., Route 6A, Barnstable, MA 02630:

1. Copies of any and all files, listings, ledgers, records, timesheets, timecards, or documents (written or electronic) identifying by name, rank, and division all members of the Yarmouth Police Department on duty on April 13, 2018 between the hours of 8:00 a.m. and 5:00 p.m.

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JUSTICE,
BARNSTABLE SUPERIOR COURT

DATED: